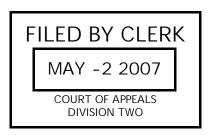
## IN THE COURT OF APPEALS STATE OF ARIZONA DIVISION TWO



THE STATE OF ARIZONA,	
	) 2 CA-CR 2006-0372
Appellee,	) DEPARTMENT A
	)
v.	) <u>MEMORANDUM DECISION</u>
	) Not for Publication
LARRY GENE GEORGESON,	) Rule 111, Rules of
	) the Supreme Court
Appellant.	)
	_)

## APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20043347

Honorable Frank Dawley, Judge Pro Tempore

## **AFFIRMED**

Anne Elsberry Tucson
Attorney for Appellant

HOWARD, Presiding Judge.

Appellant Larry Gene Georgeson was charged by indictment with aggravated assault causing serious physical injury, an act of domestic violence and a class three felony.

After a three-day trial, an eight-person jury found Georgeson not guilty of aggravated assault causing either serious physical injury or substantial, temporary injury but guilty of the lesser-

included offense of simple assault, a class one misdemeanor. The trial court sentenced him to 180 days in jail, 293 fewer than the 473 Georgeson had apparently already served.

- Quantity Counsel has filed a brief citing *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), stating she has conscientiously reviewed the record and applicable law without finding any arguably meritorious issue to raise on appeal. She asks us to search the record for fundamental error pursuant to our duty under *Anders*. Georgeson has not filed a supplemental brief.
- The evidence at trial established that Georgeson and the victim, who at the time had been dating for several months, went out together on a Saturday night in June 2004. Before the evening ended, they got into a heated argument that culminated in Georgeson's hitting the victim in the face, breaking her jaw, bloodying her mouth, and knocking out one of her teeth. Among the ten witnesses who testified at trial were two passersby who had seen the assault as it occurred.
- We have reviewed the record in its entirety and have found no fundamental error. The conviction and sentence are, therefore, affirmed.

	JOSEPH W. HOWARD, Presiding Judge
CONCURRING:	
JOHN PELANDER, Chief Judge	
GARYE L. VÁSOUEZ. Judge	